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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: ZICHE1

In re Application of:

Marina ZICHE et al

Appln. No.: 09/756,185

Filed: January 9, 2001

For: COMPOUND B AS ANGIOGENIC  
AGENT IN COMBINATION WITH  
HUMAN GROWTH FACTORS

Conf. No.: 5690

Art Unit: 1653

Examiner: R. Mitra

Washington, D.C.

May 17, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated December 17, 2003, of the Primary Examiner. The claims appealed are claims 3, 4, 6, 10-25.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$330.00

\$165.00 (small entity)

Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

[ ] First - \$ 55.00

[ ] Second - \$210.00

[ ] Third - \$475.00

[ ] Fourth - \$740.00

month after time period set

Other Than Small Entity  
Response Filed Within

[ ] First - \$ 110.00

[X] Second - \$ 420.00

[ ] Third - \$ 950.00

[ ] Fourth - \$1480.00

month after time period set

[ ] Less fees (\$ ) already paid for months extension of time on .

A check in the amount of \$ is attached. (Check No. )

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 750.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

05/18/2004 HDEMESS1 00000049 09756185

01 FC:1401  
02 FC:1252

330.00 DP  
420.00 DP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By:

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